

## **REMARKS**

Claims 1-12 and 15 are pending in this application. No further amendments to the claims are made herein. Claims 4-10, 12, and 15 have been withdrawn from consideration. Accordingly, claims 1-3 and 11 are before the Examiner.

### **Specification Objections**

The Specification is objected to for allegedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Action alleges that the addition of halogen and biphenyl to the definition of D in amended claim 1 is not supported by the specification. Although Applicants do not agree with the Office's position, halogen and biphenyl have been deleted from independent claim 1, restoring the definition of D to its original form. As such, the objection to the Specification is now moot.

### **Claim Objections**

Claim 1 is objected to for its exclusion of "4-benzyl-1,4-diazabicyclo[3.2.2]-nonane" which is outside of the elected scope. Claim 1 has been amended to remove the proviso.

Claims 4-10 and 12, 15 have been withdrawn as drawn to non-elected claims. Applicants respectfully request rejoinder upon allowance of independent claim 1, as each of these claims includes all limitations of the compound set forth in claim 1.

### **Claim Rejections**

*35 U.S.C. § 112, first paragraph*

Claims 1-3 and 11 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. The rejection is based on the same rationale as the objection to the Specification. As noted above, the amendments herein render

the objection to the Specification moot. Likewise, the amendments herein render this 112, first paragraph rejection moot. Withdrawal of the rejection is respectfully requested.

*35 U.S.C. § 103*

Claims 1-3 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent no. 6,844,337 in view of *In re Norris*, 179 F2d 970, 84 USPQ 458 (CCPA 1950) and *In re Finiley* 174 F2d 130 and 135, 81 USPQ 383 and 387 (CCPA 1949). Applicants have deleted oxazolyl from the definition of E. US '337 does not teach or suggest compounds where E is thiazolyl or imidazolyl as claimed by Applicants. Accordingly, withdrawal of the rejection is respectfully requested.

Applicants respectfully assert that all pending claims are now in condition for allowance. Withdrawal of all rejections and objections is respectfully requested.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to deposit account no. 26-0166.

Early reconsideration and allowance of all pending claims is respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,

/Michael A. Patané/

Date: February 27, 2008

by: Michael A. Patané  
Reg. No. 42, 982